

To: Jonathan Koplos[Jonathan.Koplos@cadmusgroup.com]
From: Wiser, Nathan
Sent: Wed 3/30/2016 12:55:20 PM
Subject: RE: The Morning Headlines from InsideEPA.com -- March 30, 2016

Hi Jonathan, I've copied that article from InsideEPA here:

Daily News

EPA Faults Uncertainties In Draft Wyoming Drinking Water Pollution Study

March 29, 2016

EPA is faulting Wyoming's draft study on whether hydraulic fracturing led to alleged drinking water contamination near Pavillion, WY, saying the draft findings include a number of uncertainties that undermine several of the studies' conclusions -- including on whether there were potential health threats from the water contamination.

"The Report's characterization of the exceedances of standards or comparison values as a palatability concern rather than a health concern may leave readers unclear regarding the significance of these exceedances," EPA Region 8 says in [undated comments](#) filed on the "Pavillion, Wyoming Area Domestic Water Wells Draft Final Report and Palatability Study."

Region 8, which covers several Western states, adds, "Further, the Report does not provide a clear discussion of the uncertainties associated with the evaluation of potential health concerns."

Wyoming's Department of Environmental Quality (DEQ) [released its draft report](#) on the alleged water well contamination from fracking in December and took comment on the draft final findings through March 28, finding "it is unlikely that fracturing has caused any impacts to the water-supply wells."

The state-led study follows EPA's December, 2011 draft report documenting its investigation of the alleged groundwater contamination near Pavillion, which represented the agency's first public acknowledgment that reported pollution of an aquifer was "likely" due to fracking operations.

Encana, the company whose drilling operations are closest to the aquifer, and other oil and gas trade groups and Republican lawmakers widely criticized the

study, citing a host of concerns including that EPA's sampling methodology could have contributed to the contamination.

The agency in June 2014 announced it would drop its own study and instead support the state's ongoing investigation.

In the draft DEQ report, state researchers indicated that some inorganic compounds were identified over drinking water limits, including naturally occurring salts, metals and radionuclides, and that industrial activities including oil and gas drilling may use some of the same compounds. For example, drilling muds may contain chloride and potassium.

But the draft study said that all of the organic constituents were found at concentrations lower than drinking water standards, and that they "may have originated from a multitude of possible sources, including spills, oil and gas activities, and other residential and industrial uses."

Region 8, however, is pointing to a number of areas of the study where it says the conclusions may be uncertain or insubstantially supported.

For example, the agency says, of the 19 constituents found in the wells, nine of them did not include any health-based levels for comparison. "This is an information gap that EPA suggests be discussed in the Report as it discloses the limitations to reaching definitive conclusions about potential health risks from drinking the water," EPA says.

The agency also calls on DEQ to better support its draft conclusion that gas is present in the formation because of naturally occurring migration, and that there "is negligible likelihood that hydraulic fracturing fluids have migrated upward to depths utilized by water supply wells."

EPA says a "more robust basis" is needed to support the conclusion, requiring multiple lines of evidence to distinguish whether the gas naturally migrated. --
Bridget DiCosmo (bdicosmo@iwpnews.com)

--Nathan Wiser

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From: Jonathan Koplos [mailto:Jonathan.Koplos@cadmusgroup.com]

Sent: Wednesday, March 30, 2016 6:53 AM

To: Wiser, Nathan <Wiser.Nathan@epa.gov>; Shari.Ring@cadmusgroup.com

Subject: FW: The Morning Headlines from InsideEPA.com -- March 30, 2016

I don't have full access to InsideEPA, but was wondering if

Ex. 5 - Deliberative Process

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I did a quick search, didn't find anything obvious, but did come across this Casper WY newspaper article from Dec 2015: http://trib.com/business/energy/pavillion-today-an-epa-in-retreat-a-narrow-state-inquiry/article_403f84de-830c-5558-9f3f-ea48fd48d7ca.html

Just an FYI.

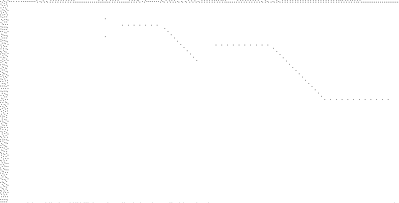
Jonathan

From: InsideEPA.com [mailto:epa-alerts@iwpnews.com]

Sent: Wednesday, March 30, 2016 7:12 AM

To: Jonathan Koplos <Jonathan.Koplos@cadmusgroup.com>

Subject: The Morning Headlines from InsideEPA.com -- March 30, 2016



March 30, 2016

Latest News

EPA Waste Chief Signals Major Changes To Facility Security Plan Unlikely

EPA waste chief Mathy Stanislaus is offering a strong defense of the agency's recently proposed rule to overhaul its risk management plan (RMP) facility accident prevention program, suggesting that EPA is unlikely to adopt major changes to the rule that advocates, industry groups and others called for at a March 29 public hearing.

IG Criticism Prompts EPA Vow To Improve Quality Control Of Air Rule RIAs

EPA's air office is vowing to improve quality control of its regulatory impact analysis (RIA) documents that show the costs and benefits of major rules, following a critical report by the agency's Inspector General (IG) that found incomplete information and inaccuracies in the RIA for EPA's "Tier 3" fuel and vehicle emissions rule.

Advocates Criticize EPA Use Of 'Surrogates' In Air Toxics 'Completion' Rule

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Environmentalists are criticizing as unlawful EPA's use of "surrogate" air pollutants to satisfy a Clean Air Act mandate that the agency regulate air toxics from sources representing 90 percent of emissions of seven hazardous air pollutants (HAPs), saying EPA is erroneously relying on limits for other HAPs to satisfy the mandate.

Industry, DOD Press EPA To Extend NPL Scoring Rule Comment Period

Energy utilities and the Defense Department (DOD) are asking EPA to double the length of the public comment period for a proposed rule that would add subsurface intrusion (Ssl) as a criterion for scoring contaminated sites for placement on Superfund's National Priorities List (NPL), saying they need adequate time to respond to complex technical issues related to the proposal as it may have a substantial impact on their facilities.

GAO Finds EPA's SDWA Oversight Fails To Ensure Protection Of USDWs

The Government Accountability Office (GAO) is faulting EPA's oversight of state and agency Safe Drinking Water Act (SDWA) permitting for some oil and gas activities by finding that EPA failed to collect adequate data to ensure the program protects underground sources of drinking water (USDW), and urging it to seek more information.

EPA Faults Uncertainties In Draft Wyoming Drinking Water Pollution Study

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News Briefs

EPA Sends Formaldehyde Air Rule For OMB Review

EPA has forwarded to the White House Office of Management and Budget (OMB) for review a long-delayed final air rule setting limits for formaldehyde emissions from composite wood products, with OMB receiving the final rule March 28, according to OMB's website.

Environmentalists Rebut EPA In AFO Reporting Rule Case

Environmental groups are rebutting EPA's assertions that a federal appellate court should dismiss their legal challenge to the agency's exemptions for animal feeding operations (AFOs) from reporting requirements for hazardous substance emissions, contending their "informational injury satisfies the standing requirements" at issue.

EPA Floats Settlement In CWA 'Jurisdiction' Order Suit

EPA has reached an agreement to settle a pending Clean Water Act (CWA) suit in federal district court that could have been a high profile test of the agency's policy on which waters are "jurisdictional" and thus subject to the water law's mandates, ahead of Supreme Court argument in a case over judicial review of CWA jurisdictional findings.

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